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99TH CONGRESS
1ST SESSION

S. 1792

To amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, OCTOBER 21), 1985

Mr. MELCHER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

SHORT TITLE

3
4 SECTION 1. This Act may be cited as the "Animals in
5 Laboratories Protection Act of 1985".

6 SEC. 2. The Congress finds that—

7 (1) the use of animals is instrumental in certain
8 research and education for advancing knowledge of
9 cures and treatment for diseases and injuries which af-
10 flict both humans and animals;

1 (2) methods of testing that do not use animals and
2 being and continue to be developed which are faster,
3 less expensive, and more accurate than traditional
4 animal experiments for some purposes and further op-
5 portunities exist for the development of these methods
6 of testing;

7 (3) measures which eliminate or minimize the un-
8 necessary duplication of experiments on animals can
9 result in more productive use of Federal funds; and

10 (4) measures which help meet the public concern
11 for laboratory animal care and treatment are important
12 in assuring that research will continue to progress.

13 SEC. 3. (a) Section 13 of the Animal Welfare Act
14 (7 U.S.C. 2143) is amended—

15 (1) by redesignating subsections (b) through (d) as
16 subsections (f) through (h) respectively; and

17 (2) by striking out the first two sentences of sub-
18 section (a) and inserting in lieu thereof the following:

19 “(1) The Secretary shall promulgate standards to
20 govern the humane handling, care, treatment, and transpor-
21 tation of animals by dealers, research facilities, and
22 exhibitors.

23 “(2) The standards described in paragraph (1) shall in-
24 clude minimum requirements—

“(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and

“(B) for physical environment adequate to promote the psychological well-being of research animals, particularly primates, including whatever apparatus the Secretary deems appropriate.

“(3) In addition to the requirements under paragraph (2), the standards described in paragraph (1) shall, with respect to animals in research facilities, include requirements—

“(A) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

“(B) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal;

“(C) in any practice which could cause pain to animals (other than slight or momentary pain)—

“(i) that a doctor of veterinary medicine is consulted in the planning of such procedures;

1 “(ii) for the use of tranquilizers, analgesics,
2 and anesthetics;

3 “(iii) for presurgical and postsurgical care by
4 laboratory workers in accordance with established
5 veterinary medical and nursing procedures;

6 “(iv) against the use of paralytics without
7 anesthesia; and

8 “(v) that the withholding of tranquilizers, an-
9 esthesia, analgesia, or euthanasia when scientifi-
10 cally necessary shall continue for only the neces-
11 sary period of time;

12 “(D) that no animal is used in more than one
13 major operative experiment from which it is allowed to
14 recover except in cases of—

15 “(i) scientific necessity; or

16 “(ii) other special circumstances as deter-
17 mined by the Secretary; and

18 “(E) that exceptions to such standards may be
19 made only when specified by research protocol and
20 that any such exception shall be detailed and justified
21 in a report outlined under paragraph (7).”.

22 (b) Section 13(a) of such Act is further amended—

23 (1) by designating the third and fourth sentences
24 as paragraph (4);

(2) by designating the fifth sentence as paragraph

(5); and

(3) by striking out the last sentence and inserting in lieu thereof the following:

“(6) Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility or Federal research facility: *Provided*, That the Secretary shall require every research facility to show that professionally acceptable standards governing the care, treatment, and practices on animals are being followed by the research facility during research and experimentation. No rule, regulation, order, or part of this Act may require a research facility to disclose to the Institutional Animal Committee during its inspection trade secrets or commercial or financial information which is privileged or confidential.

“(7)(A) The Secretary shall require, at least annually, every research facility and Federal research facility to report that the provisions of this Act are being followed.

“(B) In complying with subparagraph (A), such research facilities shall provide—

“(i) the details of any procedure which was likely to produce pain or distress in any animal and assur-

1 ances demonstrating that the principal investigator
2 considered alternatives to those procedures;

3 “(ii) assurances satisfactory to the Secretary that
4 such facility is adhering to the standards described in
5 this section; and

6 “(iii) an explanation for any deviation from the
7 standards promulgated under this section.

8 “(8) Paragraph (1) shall not prohibit any State (or a
9 political subdivision of such State) from promulgating stand-
10 ards in addition to those standards promulgated by the Secre-
11 tary under paragraph (1).”.

12 (c) Section 13 of such Act is further amended by insert-
13 ing after subsection (a) the following new subsections:

14 “(b)(1) The Secretary shall require that each research
15 facility establish at least one Institutional Animal Committee.
16 Each Institutional Animal Committee shall be appointed by
17 the chief executive officer of each such research facility and
18 shall be composed of not fewer than three members. Such
19 members shall possess sufficient ability to assess animal care,
20 treatment, and practices in experimental research as deter-
21 mined by the needs of the research facility. Of the members
22 of the Institutional Animal Committee—

23 “(A) at least one member shall be a doctor of vet-
24 erinary medicine;

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1 “(B) at least one member shall not be affiliated in
 2 any way with such facility other than as a member of
 3 the Institutional Animal Committee, shall not be a
 4 member of the immediate family of a person who is af-
 5 filiated with such facility, and shall represent society’s
 6 concerns regarding the welfare of the animal subjects;
 7 and

8 “(C) in those cases where the Institutional Animal
 9 Committee consists of more than three members, not
 10 more than three members shall be from the same ad-
 11 ministrative unit of such facility.

12 “(2) A quorum shall be required for all formal actions of
 13 the Institutional Animal Committee, including inspections
 14 under paragraph (3).

15 “(3) The Institutional Animal Committee shall inspect
 16 at least semiannually all animal study areas and animal facili-
 17 ties of such research facility and review as part of the
 18 inspection—

19 “(A) practices involving pain to animals, and

20 “(B) the condition of animals,

21 to ensure compliance with the provisions of this Act and that
 22 pain and distress to animals is minimized. Exceptions to the
 23 requirement of inspection of such study areas may be made
 24 by the Secretary if animals are studied in their natural envi-
 25 ronment and the study area is prohibitive to easy access.

1 “(4)(A) The Institutional Animal Committee shall file an
2 inspection certification report of each inspection at the re-
3 search facility. Such report shall—

4 “(i) be signed by a majority of the Institutional
5 Animal Committee members involved in the inspection;

6 “(ii) include reports of any violation of the stand-
7 ards promulgated, or assurances required, by the Sec-
8 retary, including any deficient conditions of animal care
9 or treatment, any deviations of research practices from
10 originally approved proposals that adversely affect
11 animal welfare, any notification to the facility re-
12 garding such conditions and any corrections made
13 thereafter;

14 “(iii) include any minority views of the Institution-
15 al Animal Committee; and

16 “(iv) include any other information pertinent to
17 the activities of the Institutional Animal Committee.

18 “(B) Such report shall remain on file for at least three
19 years at the research facility and shall be available for inspec-
20 tion by the Animal and Plant Health Inspection Service of
21 the Department of Agriculture and any funding Federal
22 agency.

23 “(C) In order to give the research facility an opportunity
24 to correct any deficiencies or deviations discovered by reason
25 of paragraph (3), the Institutional Animal Committee shall

1 notify the administrative representative of the research facili-
 2 ty of any deficiencies or deviations from the provisions of this
 3 Act. If, after notification and an opportunity for correction,
 4 such deficiencies or deviations remain uncorrected, the Insti-
 5 tutional Animal Committee shall notify (in writing) the
 6 Animal and Plant Health Inspection Service of the Depart-
 7 ment of Agriculture and the funding Federal agency of such
 8 deficiencies or deviations.

9 “(5) The inspection results shall be available to Depart-
 10 ment of Agriculture inspectors for review during inspections.
 11 Department of Agriculture inspectors shall forward any Insti-
 12 tutional Animal Committee inspection records which include
 13 reports of uncorrected deficiencies or deviations to the
 14 Animal and Plant Health Inspection Service and any funding
 15 Federal agency of the project with respect to which such
 16 uncorrected deficiencies and deviations occurred.

17 “(c)(1) In the case of Federal research facilities, a Fed-
 18 eral Institutional Animal Committee shall be established and
 19 shall have the same composition and responsibilities outlined
 20 in subsection (b), except that the Federal Institutional
 21 Animal Committee shall report deficiencies or deviations to
 22 the head of the Federal agency conducting the research
 23 rather than to the Animal and Plant Health Inspection Serv-
 24 ice of the Department of Agriculture. The head of the Feder-
 25 al agency conducting the research shall be responsible for—

1 “(A) all corrective action to be taken at the facil-
2 ity; and

3 “(B) the granting of all exceptions to inspection
4 protocol.

5 “(d)(1) Each research facility shall provide for annual
6 training for scientists, animal technicians, and other person-
7 nel involved with animal technicians, and other personnel in-
8 volved with animal care and treatment in such facility. Such
9 training shall include instruction on—

10 “(A) the humane practice of animal maintenance
11 and experimentation;

12 “(B) research of testing methods that minimize or
13 eliminate the use of animals or limit animal pain or dis-
14 tress; and

15 “(C) utilization of the information service at the
16 National Agricultural Library, established under sub-
17 section (e).

18 “(2) Every research facilities shall inform their employ-
19 ees of the provisions of this Act and shall inform such em-
20 ployees to report any violations of such provisions. Any such
21 employee may not be discriminated against on grounds that
22 such employee reported a violation of such provisions.

23 “(e)(1) The Secretary shall establish an information
24 service at the National Agricultural Library. Such service

1 shall, in cooperation with the National Library of Medicine,
2 provide information—

3 “(A) pertinent to employee training;

4 “(B) which could prevent unintended duplication
5 of animal experimentation as determined by the needs
6 of the research facility; and

7 “(C) on improved methods of animal experimenta-
8 tion, including methods which could—

9 “(i) reduce or replace animal use; and

10 “(ii) minimize pain and distress to animals,
11 such as anesthetic and analgesic procedures.

12 “(2) No funds other than those specifically appropriated
13 for the purpose of carrying out this subsection may be obli-
14 gated for such purposes.

15 “(f) In any case in which the funding Federal agency
16 determines that conditions of animal care, treatment, or prac-
17 tice in a particular project have not been in compliance with
18 standards promulgated under this Act, despite notification by
19 the Secretary or the funding Federal agency to the research
20 facility and an opportunity for correction, such agency shall
21 suspend or revoke Federal support for the project. Any re-
22 search facility losing Federal support as a result of actions
23 taken under the preceding sentence shall have the right of
24 appeal as provided in sections 701 through 706 of title 5,
25 United States Code.”.

1 SEC. 4. The Animal Welfare Act (7 U.S.C. 2131-2158)
2 is amended by adding at the end thereof the following
3 section:

4 "SEC. 27. (a) It shall be unlawful for any member of the
5 Institutional Animal Committee to release any confidential
6 information of the research facility including any information
7 that concerns or relates to—

8 "(1) the trade secrets, processes, operations, style
9 of work, or apparatus, or

10 "(2) to the identity, confidential statistical data,
11 amount or source of any income, profits, losses, or ex-
12 penditures of the research facility.

13 "(b) It shall be unlawful for any member of such
14 Committee—

15 "(1) to use or attempt to use to his advantages, or

16 "(2) to reveal to any other person,
17 any information which is entitled to protection as confidential
18 information under subsection (a).

19 "(c) A violation of subsection (a) or (b) is punishable
20 by—

21 "(1) removal from such Committee, and

22 "(2)(A) a fine of not more than \$1,000 and im-
23 prisonment of not more than one year, or

U.S.C. 2131-2154

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“(B) if such violation is willful, a fine of not more than \$10,000 and imprisonment of not more than three years.

“(d) Any person, including any research facility, injured in its business or property by reason of a violation of this section may recover all actual and consequential damages sustained by such person and the cost of the suit including a reasonable attorney’s fee.

“(e) Nothing in this section shall be construed to affect any other rights that any such person may have, nor shall subsection (d) be construed to limit the exercise of any such rights arising out of or relating to a violation of subsections (a) and (b).”.

SEC. 5. (a) Subsection (b) of section 19 of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended—

(1) in the first sentence by striking out “\$1,000 for each such violation” and inserting in lieu thereof “\$2,500 for each such violation”; and

(2) in the sixth sentence by striking out “\$500 for each offense” and inserting in lieu thereof “\$1,500 for each offense”.

(b) Subsection (d) of such section is amended by striking out “\$1,000” and inserting in lieu thereof “\$2,500”.

1 SEC. 6. (a) Section 2 of the Animal Welfare Act (7
2 U.S.C. 2132) is amended by adding after subsection (j) the
3 following new subsections:

4 “(k) The term ‘Federal agency’ means an executive
5 agency as such term is defined in section 105 of title 5,
6 United States Code, and with respect to any research facility
7 means the agency from which the research facility receives a
8 Federal award for the conduct of research, experimentation,
9 or testing, involving the use of animals;

10 “(l) The term ‘quorum’ means a majority of the commit-
11 tee members;

12 “(m) The term ‘Federal research facility’ means each
13 department, agency, or instrumentality of the United States
14 which uses live animals for research or experimentation.”.

15 SEC. 7. Section 14 of the Animal Welfare Act (7 U.S.C.
16 2144) is amended by changing “section 13” to “section
17 13(a)” wherever it appears.

18 SEC. 8. This Act shall take effect one year after the
19 date of the enactment of this Act.

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